

H. B. No. 710, A bill to be entitled "An Act providing chattel mortgages given as security for money advanced to purchase motor vehicles when registered as required by law, will be superior to the claim of other creditors, though the motor vehicle may be exposed for sale; providing such chattel mortgage shall be void under certain conditions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

SIXTY-THIRD DAY—(Continued).

Senate Chamber,
Austin, Texas.
April 26, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 39.

The question recurred upon S. B. No. 39 (Primary and secondary highways).

The bill was passed to engrossment.

Senator DeBerry asked to be recorded as voting "No."

Senator Moore received unanimous consent to have the engrossed bill printed in the Journal.

Senator Moore moved to reconsider the vote by which the bill was passed to engrossment and spread the motion on the Journal.

Message From the Governor.

Executive Office,
Austin, Texas, April 24, 1933.
To the Forty-third Legislature:
Under existing law Thirty-two Thousand Six Hundred Dollars (\$32,600) was appropriated by the Legislature for the two years ending August 31, 1933, for the support and maintenance of the Department of Pardons and Paroles.

Since coming into office and observing the operation of the pardon law, I have decided that a material reduction in the appropriation for support of same can be had. Most of the pardons and paroles issued at

one time or another come through the Secretary of State's office after being considered by the Executive Office. Therefore, I am submitting to you, as emergency legislation, the question of the passage of a law transferring the operation of the Department of Pardons and Paroles to the Secretary of State's office, and I am sure now that the work of the office can be more satisfactorily performed by a reorganization of that department under the following schedule:

	For year ending August 31, 1934	For year ending August 31, 1935
Pardon Clerk	\$2,400.00	\$2,400.00
One Stenographer	1,200.00	1,200.00
Telephone, Telegraph, Postage, office supplies and contingent	1,100.00	1,100.00
Traveling Expense	300.00	300.00
	<u>\$5,000.00</u>	<u>\$5,000.00</u>

If, in the wisdom of the Legislature in the line of usual economy now being planned, it is thought wise to transfer the Department of Pardons and Paroles to the Secretary of State's office, I am sure that for expenditure of the above amounts, a saving of Twenty-Two Thousand Six Hundred Dollars (\$22,600) can be accomplished without in any way impairing the efficiency of the work pertaining to pardons and paroles.

I am enclosing you herewith a bill prepared by the Secretary of State covering the question herewith submitted.

Respectfully,
MIRIAM A. FERGUSON,
Governor of Texas.

A BILL

To Be Entitled

An Act to amend Article 6203 of the Revised Civil Statutes of Texas as revised in 1925 and as amended at the First Called Session of the Forty-first Legislature of Texas on page 99 of the General Laws thereof, and providing for a change in the present system of recommending to the Governor of

this State what persons shall be granted pardons, paroles and furloughs; providing that the powers and duties now vesting in the Board of Pardons of the State of Texas be transferred to and vested in the Secretary of State; providing for the transfer of furniture and file cases and the unused portion of the appropriation for the year 1933 as now provided for and appropriated for the use and benefit of the Board of Pardons to the office of the Secretary of State; providing for the appointment by the Secretary of State of employees to carry out the terms hereof; providing for an emergency appropriation; providing for the repeal of parts of Article 6203 in conflict with this amendment; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That Article 6203 of the Revised Civil Statutes of Texas as revised in 1925 and as thereafter amended shall hereafter read as follows:

Article 6203:

Section 1. All the powers, duties, obligations and responsibilities now vesting in the Board of Pardons and Paroles of this State shall hereafter be vested in the Secretary of State of the State of Texas. In carrying out the provisions of this law, the Secretary of State is especially charged with the performance of all of the duties heretofore performed by the Board of Pardons. The Secretary of State shall make a thorough examination of each application for pardon, parole or furlough which the Governor may refer to him, and report his recommendations thereon to the Governor. The Secretary of State or some person under his direction shall spend such time each year as may be necessary in personally looking into the condition of such convicts as the Secretary of State may desire, or as may be designated by either the Governor, the Prison Board, Manager of the Prison System or its physician, and shall give special attention to the case of those convicts of long service who may be so designated and who have no means of getting a proper petition before the Governor to the end that the Secretary

of State may have before him such data as will enable him to correctly judge the condition of such convicts. All cases shall be taken up and considered by the Secretary of State in the regular order or reference, by the Governor, except when it appears to the Secretary of State that there is extraordinary emergency in any case. The Secretary of State is hereby required to keep a record in which shall be entered every case sent to him by the Governor, giving the docket number of the convict, his name, when and where convicted, his sentence, his offense, when the application was received from the Governor, the action taken thereon by the Secretary of State, and the date of such action. It shall be the duty of the Secretary of State to carefully examine each application for pardon, parole or furlough referred to him by the Governor of this State, or cause such investigation to be made by some proper person under his direction, and after the making of such investigation or after causing the same to be made as herein provided, the Secretary of State shall then make in writing, or cause the same to be made in writing, a statement to the Governor in which he shall either recommend the granting of such pardon, parole or furlough, or in which he shall recommend that the same shall be denied.

Sec. 2. When an application for pardon is referred to the Secretary of State by the Governor, he shall immediately by United States mail, notify the prosecuting officer or officers, and the sheriff of the county in which the applicant was convicted, or in which the alleged crime was committed, or both, of the filing of such application, and that they or either of them, or any interested party may within twenty (20) days from the receipt of such notice, present in person or in writing to said Secretary of State their objection, if any, to the granting of such pardon, or their recommendation in favor of the same.

Sec. 3. It shall be the duty of the Secretary of State to ascertain and report to the Governor what prisoners serving in the State penitentiary may profitably, both to themselves and to society, be released.

on parole or furlough, and when and under what conditions. The Secretary of State shall also be charged with the duty of supervising all prisoners released on parole from the prisons of Texas, of making such investigations as may be necessary in connection therewith, of determining whether violation of parole condition exists in specific cases, and of deciding the action to be taken in reference thereto, and of aiding paroled prisoners to secure employment. It shall also be his duty personally to study the prisoners confined in the penitentiary of this State eligible for parole, so as to determine their ultimate fitness to be paroled.

Sec. 4. As soon as practicable after each prisoner eligible for parole under this Act is received in the prisons of this State, it shall be the duty of the Secretary of State to cause to be obtained and filed information as complete as may be obtainable at that time with regard to each such prisoner. Such information shall include a complete statement of the crime for which he is then sentenced, the circumstances of such crime, the nature of his sentence, the court in which he was sentenced, the name of the judge and district attorney sentencing and trying such prisoner, and copies of such probation reports as may have been made, as well as reports as to the prisoner's social, physical, mental and psychiatric condition and history. It shall be the duty of any district judge, district attorney, county attorney, clerk of the court, and of all probation officers and other public officials of this State having information with reference to any prisoner eligible to parole, to send such information as may be in their possession or under their control to the Secretary of State upon his request, or upon the request of any of his employees. The Secretary of State shall also at that time obtain and file a copy of the complete criminal record of such prisoner, including any juvenile court record, that may exist.

Sec. 5. Who May Be Paroled. Every person sentenced to an indeterminate sentence and now confined in the penitentiary, or hereafter sentenced thereto on an indetermi-

nate sentence, who has never before been convicted of a crime punishable by imprisonment in a State prison, in this or any other state or nation, when he shall have served a period of time equal to the minimum sentence imposed upon him for the crime of which he was convicted, shall be deemed eligible for parole under the provisions of this Act. In addition, every person now confined in the penitentiary on a definite sentence, or who shall hereafter be sentenced thereto for a definite term, and who has never before been convicted of a crime punishable by imprisonment in the State prison in this or any other state or nation, shall be deemed eligible for parole when he shall have served one-third of the term for which he was sentenced. But in neither of the foregoing cases shall such person be recommended for release on parole under the terms of this Act until he shall have served such minimum period of time, nor until he shall have served at least one year of his sentence.

Sec. 6. No prisoner shall be recommended for release on parole merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the Secretary of State is of opinion that there is reasonable probability that, if such prisoner is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society. If the Secretary of State shall so determine, he shall recommend that such prisoner shall be allowed to go upon parole outside of prison walls and inclosure upon such terms and conditions as the Secretary of State shall prescribe, but to remain while thus on parole in the legal custody of the prison until the expiration of the maximum term specified in his sentence.

Sec. 7. Method of Release. The consideration by said Secretary of State of the release of a prisoner on parole shall not be upon the application of the prisoner, but solely upon the initiative of the Secretary of State or a request of the Governor of this State. No application for release on parole made by a prisoner or on his behalf shall be entertained by the Secretary of State. The Secretary of State shall have before him a report from the warden or manager

of each prison or prison farm on which such prisoner has been confined as to the prisoner's conduct in prison, with a detailed statement as to all infractions of prison rules and discipline, all punishments meted out to such prisoner and the circumstances connected therewith, as well as a report from each such official as to the extent to which such prisoner has responded to the efforts made in prison to improve his mental and moral condition. Such Secretary of State shall also have before him the report of such physical, mental and psychiatric examinations as have been made of such prisoner. No prisoner shall be recommended for release on parole unless the Secretary of State is satisfied that he will be suitably employed in self-sustaining employment if so released.

Sec. 8. Conditions of Parole. When a prisoner is released on parole the Secretary of State shall specify in writing the conditions of his parole, and a copy of such conditions shall be given to the parolee. A violation of such conditions may render the prisoner liable to arrest and re-imprisonment for the full term of his sentence. The Secretary of State shall adopt general rules with regard to conditions of parole and their violation and may make special rules to govern particular cases, together with such other rules and regulations as may be necessary to carry out the purposes of the Act and the powers hereby conferred. Such rules, both general and special, may include, among other things, a requirement that the parolee shall not leave the State without the consent of the Secretary of State, that he shall contribute to the support of his dependents, that he shall make restitution for his crime, that he shall abandon evil associates and ways, that he shall carry out the instructions of his parole officer, and in general so comport himself as such officers shall determine.

Sec. 9. Upon the discharge of any prisoner upon parole, either under the provisions of this Act, or through the exercise by the Governor of executive clemency, independent of this Act, such person so paroled, shall be furnished by the proper officers of the State Prison Board with such clothing as is usually furnished to prisoners upon discharge from prison in this State together

with a railroad non-transferable ticket from the place of his discharge to the place of his conviction and sentence, and in addition thereto the sum of \$5.00.

Sec. 10. If the Secretary of State having charge of a paroled prisoner, shall have reasonable cause to believe that such prisoner has lapsed, or is probably about to lapse, into criminal ways or company, or has violated the conditions of his parole, the Secretary of State shall report such fact to the Governor, who thereupon shall issue a warrant for the retaking of such prisoner and his return to the prison designated in such warrant.

Sec. 11. Retaking of a Violator of Parole. Any officer, authorized to serve criminal process, or any peace officer to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner on parole, there to be held to await the action of the Secretary of State. Such officer, other than an officer of the prison or Secretary of State, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken, and as for transporting a convict from the place of arrest to the prison, in case such officer also transports said prisoner to the prison. Such fees of the officer, other than a prison officer or the Secretary of State, and the expenses of the Secretary of State or prison officer in executing such warrants shall be paid by the warden or manager of the prison in which prisoner has been confined, out of the moneys standing to the credit of such paroled prisoner, if any, or sufficient therefor, and otherwise out of the funds of the prison, in which case such expenses shall be charged against and deducted from any moneys which may stand to the credit of such prisoner in the future.

Sec. 12. Secretary of State to Act on Violations of Parole. Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his parole, the Secretary of State shall declare such prisoner to be delinquent and time owed shall date from such delinquency. The Warden or Manager of the prison shall promptly notify the Secretary of State of the return

of a paroled prisoner charged with violation of his parole. Thereupon the Secretary of State shall, as soon as practicable, hold a hearing and consider the case of such parole violator. The Secretary of State shall within a reasonable time act upon such charges, and may if he sees fit, require such prisoner to serve out in prison the balance of the maximum term for which he was originally sentenced calculated from the date of delinquency.

Sec. 14. Felony Committed While on Parole. If any prisoner be convicted of a felony committed while on parole, he shall, in addition to the sentence which may be imposed for such felony, and before beginning to serve such sentence, be compelled to serve in State's prison the portion remaining of the maximum term of the sentence on which he was released on parole from the time of such release on parole to the expiration of such maximum. No such person shall be eligible for any further parole at any time.

Sec. 14. No Discharge From Parole. No person released on parole shall be discharged from parole prior to the expiration of the full maximum term for which he was sentenced. The Secretary of State, however, may relieve a prisoner on parole from making further reports, and may permit such prisoner to leave the State, or county, if satisfied that this is for the best interests of society.

Sec. 15. Records. The Secretary of State shall cause complete records to be kept of every prisoner released on parole. Such records shall contain the finger prints, aliases and photographs of each such prisoner as far as available and the other information referred to in this Act, as well as all reports with relation to such prisoner. The Secretary of State may make rules as to the privacy of such records and their use by others than the Secretary of State.

Sec. 16. Cooperation: Right of Access to Prisons. The Warden or manager of each prison and all officers and employees thereto and all other public officials and employees shall at all times cooperate with the Secretary of State, and shall furnish to the Secretary of State and employees such informa-

tion as may be necessary to enable him to perform his functions, and such wardens and other employees shall at all times give the Secretary of State and employees, free access to all prisoners confined in the prisons of the State.

Sec. 17. Long Term Sentences. On and after the date this Act takes effect all prisoners who shall receive a sentence in excess of twenty-five years, including sentences of natural life, shall, at the expiration of nineteen calendar years servitude, with a clear prison record, be eligible to a parole under the provisions of this Act.

Sec. 18. Credit for Time Earned and Overtime. In computing the time of service of prisoners under this Act there shall be taken into consideration such commutation of time which may have been earned by such prisoners for good behavior for overtime service under the laws of this State.

Sec. 19. Executive Clemency. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of this State of powers of executive clemency vested in him by the Constitution of this State, and the Secretary of State shall have no power to grant the right of parole to any prisoner except by and through the Governor of this State in the exercise of such power of executive clemency.

Sec. 20. Powers of the Secretary of State. The power and authority is hereby vested in the Secretary of State and it is hereby made his duty to perform the powers and authority granted herein, and he shall in all things carry out the provisions of this law. He shall have the power and authority, and it shall be his duty to appoint such employees and clerks, appropriations for whose salaries have been made by the Legislature, as may be necessary to perform the duties herein imposed upon him.

Sec. 21. All of the furniture, filing cases, stationery and other equipment and appliances, which have been heretofore furnished the Board of Pardons and Paroles, are hereby transferred to the office of the Secretary of State. Any unused portion of the appropriation made for the calendar year ending August

31, 1933, for the use and benefit of the Board of Pardons and Paroles is hereby transferred to and for the use and benefit of the Secretary of State so as to provide for the carrying out of the provisions of this law from and after the taking effect thereof.

Sec. 22. To enable the Secretary of State to satisfactorily carry out the provisions of this law, the following appropriation out of any sums in the State Treasury of Texas not otherwise appropriated are hereby made and appropriated as follows:

	For Year End- ing August 31, 1934	For Year End- ing August 31, 1935
Pardon Clerk	\$ 2,400.00	\$ 2,400.00
One stenographer	1,200.00	1,200.00
Telephone, telegraph, postage, office sup- plies and contingent	1,100.00	1,100.00
Traveling expense	300.00	300.00
Total	\$ 5,000.00	\$ 5,000.00

Sec. 23. All laws and parts of laws, and especially all parts of Article 6203 as it now exists which are in conflict herewith are hereby expressly repealed. It is hereby expressly provided, however, that if any portion of this Act shall be held unconstitutional, it shall not affect any other portion thereof or provisions herein.

Sec. 24. The fact that the management and control of recommendations of pardons, paroles and furloughs to the Governor by the Pardon Board of Texas as it now exists has entailed upon the people of the State of Texas an expense and expenditure of thirty-two thousand six hundred (\$32,600.00) dollars each biennium and that under a change in the management of said recommendations to the Secretary of State, an annual saving to the people of over ten thousand (\$10,000.00) dollars can be had without effecting the efficiency or interfering with the spirit of the law, create an emergency and an imperative public necessity that the constitutional rule requiring bills to read on three several days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and referred to Committee on Penitentiaries.

Bills Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of

the session was suspended and consent was granted to introduce the following bills:

By Senators Poage and Greer:

S. B. No. 537, A bill to be entitled "An Act abolishing the office of district attorney in the 77th Judicial District of Texas; fixing the duties of county attorneys of said district; fixing their compensation; repealing conflicting laws; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Parr:

S. B. No. 538, A bill to be entitled "An Act authorizing and directing the commissioners court of Hidalgo County to refund to certain taxpayers of such county certain occupation taxes erroneously assessed and collected from such taxpayers during the years 1924, 1925, 1926, 1927, 1928, 1929, and 1930; providing for the levying of a tax to create a fund for the purpose of refunding such occupation taxes erroneously collected for said years; and providing an emergency."

Read and referred to Committee on State Affairs.

Senate Bill No. 259.

Senator Stone asked unanimous consent to suspend the regular order of business and take up S. B. No. 259.

Objection was heard.

Senator Stone moved to suspend the regular order of business and take up S. B. No. 259.

Senator Stone raised the point of order that Senator DeBerry was discussing the merits of the bill, whereas the pending motion was to take up the bill out of its regular order.

The Chair, President Pro Tem. Walter Woodul, held that the motion to suspend the regular order of business and take up a bill necessarily involved a discussion of the merits of the bill in connection with a discussion of the motion.

The motion to take up the bill prevailed by the following vote:

Yeas—18.

Cousins.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Patton.	Woodward.

Nays—8.

Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Greer.	Purl.

Absent.

Hopkins.	Parr.
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Absent—Excused.

Beck.	Russek.
Fellbaum.	

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 259, A bill to be entitled "An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers

College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income; providing for depository banks, where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing for separate accounts, showing the source of local fees collected and the purposes for which expended; providing for the handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the University Permanent Fund, from inspection tax on feeding stuffs and income from State forestry lands, or other income from inspection fees or service charges derived from the carrying out of governmental functions not educational in nature; providing for appropriation for said funds by the Legislature; providing penalties for violation of this Act; providing that if any part of this Act be held unconstitutional, said holding shall not affect the validity of the remainder of the Act, and declaring an emergency."

The committee substitute was adopted.

Senator DeBerry sent up the following amendments:

Amend committee substitute as adopted for S. B. No. 259 by adding after the figures "1931" in line 20, Section 5, page 6: "Provided no local funds shall ever be used to supplement or raise the salary or compensation of any official, instructor, teacher or employee of the above mentioned institutions."

DeBERRY,
POAGE.

Read and adopted.

Amend Committee Substitute for S. B. No. 259 by adding after the word schools in line 64, Section 1, page 1, the following: "Provided that no local funds shall ever be used to employ additional teachers, instructors, officials or other employees in the above mentioned institutions."

DeBERRY.

The amendment was read.

Senate Simple Resolution No. 94.

Senator Woodward sent up the following resolution:

Whereas, The members of the Senate are receiving inquiries from their constituents as to the final disposition of bills and resolutions which have been passed by both Houses; and

Whereas, It is necessary and is a great convenience to the members of the Senate to have information as to the final disposition thereof; and

Whereas, In order to get the information it is necessary that the Senators communicate with the Secretary of State, thus consuming his time and the time of the members, when such information could otherwise be obtained without expense and without any considerable inconvenience. Therefore, be it

Resolved by the Senate, That the Secretary of State be requested to direct a communication to the Senate daily, during the remainder of the session, giving the Senate information as to the date of the filing in his office by the Governor of all bills and resolutions, together with the House or Senate number thereof and the vote of each House taken on each bill or resolution. Be it further

Resolved, That the Secretary of State be requested to furnish as soon as convenient a list of all bills and resolutions filed in his office during this session of the Legislature and up to this date. Be it further

Resolved, That all information received from the Secretary of State in respect hereto be published daily in the Senate Journal.

WOODWARD,
ONEAL.

Read and adopted.

Committee From the House.

The Chair recognized the Doorkeeper, who introduced a committee from the House.

Mr. Latham extended to the Senate an invitation to attend a joint session this afternoon at 1:30 o'clock for the purpose of hearing the school teachers and taxpayers.

On motion of Senator Greer, the invitation was accepted.

Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 71.

Executive Session.

On motion of Senator Martin, the Senate, at 11:57 o'clock a. m., voted to go into executive session immediately.

The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, beg leave to report that we have considered the appointees recommended by the Governor, and I, as Chairman of said committee, am instructed to recommend that the following named persons for the following named positions be in all things confirmed:

To be a member Board of Regents, Texas Technological College: Hon. Joe T. Sneed, Jr., Amarillo, Potter County, Texas.

To be Presiding Judge of the Fourth Administrative Judicial District of Texas: Hon. J. P. Pool, Victoria, Victoria County, Texas.

To be Presiding Judge of the Fifth Administrative Judicial District of Texas: Hon. A. M. Kent, Brownsville, Cameron County, Texas.

To be Presiding Judge of the Sixth Administrative Judicial District of Texas: Hon. Ballard Coldwell, El Paso, El Paso County, Texas.

To be Presiding Judge of the Ninth Administrative Judicial District of Texas: Hon. Reese Tatum, Dalhart, Dallam County, Texas.

To be members of the State Board of Veterinary Medical Examiners: Dr. W. R. Sanderson, Brownwood, Brown County, Texas; Dr. W. T. Hufnall, Houston, Harris County, Texas; Dr. C. Rager, San Antonio, Bexar County, Texas; Dr. Ben Green, Cumby, Hopkins County, Texas; Dr. Sam G. Bittick, Fort Worth, Tarrant County, Texas; Dr. L. L. Minke, Hempstead, Waller County, Texas; Dr. W. L. Northcutt, Breckenridge, Stephens County, Texas.

Respectfully submitted,

MARTIN, Chairman.

Adopted.

Senate Bill No. 537.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Poage:

S. B. No. 537, A bill to be entitled "An Act abolishing the office of district attorney in the Seventy-seventh Judicial District of Texas, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 537 was put on its second reading by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 537 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

House Bill No. 242.

The Chair laid before the Senate on its third reading by unanimous consent the following bill:

By Mr. Long, Mr. Walker, and Mr. Tennyson:

H. B. No. 242, A bill to be entitled "An Act to repeal Chapter 5, Acts of the Thirty-sixth Legislature, Third Called Session, and Chapter 34, Section 1 and Subsection 15, Acts of the

Thirty-seventh Legislature, Regular Session."

Read third time and finally passed.

Senate Bill No. 249.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Woodruff (by request):

S. B. No. 249, A bill to be entitled "An Act to authorize the issuance of a corrected letters patent in lieu of Letters Patent No. 521, Volume 33, issued November 14, 1876, to the Texas & Pacific Railroad Company, upon filing corrected field notes; to authorize cancellation of original Letters Patent No. 521, Volume 33; to quiet title to said land; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 249 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Blackert.	Duggan.
Collie.	Greer.
Cousins.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Purl.	

Absent—Excused.

Beck. Fellbaum.

Adjournment.

Senator Hornsby moved to recess until 2 o'clock p. m.

Senator Parr moved to adjourn until 2:30 o'clock p. m. The motion prevailed and at 12:17 o'clock p. m. the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 246, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 487, A bill to be entitled "An Act to amend Chapter 91, of the General Laws of the Fortieth Legislature, amending Article 7596 of the Revised Civil Statutes, 1925, of the State of Texas, regulating liens for water rates, so as hereafter to limit the statutory lien on crops to secure water rates for irrigation to one-half of the crop; providing for exceptions; and as to give to those supplying water for irrigation a preference lien on crops, superior to every other lien; to limit the lien which public utilities may contract for on crops to one-half; and to au-

thorize waiver of lien by districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, be printed.

COUSINS, Chairman.

Committee Room,

Austin, Texas, April 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 537, A bill to be entitled "An Act abolishing the office of the district attorney in the 77th Judicial District of Texas; fixing the duties of county attorneys of said district; fixing their compensation; repealing conflicting laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 136, A bill to be entitled "An Act to amend Article 288, of the Penal Code, of the State of Texas, 1925, as amended by Chapter 188, General Laws of the Fortieth Legislature, Regular Session, so as to make it lawful to teach modern languages in certain elementary grades, and in the High School grades, in public free schools, and making it lawful to teach the Spanish language in the elementary grades in the public schools in counties bordering on the boundary line between the United States and the Republic of Mexico, having a city or cities of a population of five thousand (5000) inhabitants, or more according to the United States census of 1920, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 650, A bill to be entitled "An Act to amend Acts 1929, Forty-first Legislature, Regular Session, page 523, Chapter 250, Section 2, relating to the giving bond by commercial colleges so as not to apply to commercial colleges that sell no scholarship or require no other advance payments and in which school there is an average annual enrollment of not more than seventy-five (75) students, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 25, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 534, A bill to be entitled "An Act providing for rural school supervisors in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisors; prescribing the salaries of said supervisors and how it shall be paid; prescribing other things incidental to said purpose and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 26, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 515, A bill to be entitled "An Act to amend Article 955, Penal Code, as amended by Chapter 257, General and Special Laws, Regular Session, Forty-first Legislature, as amended by Chapter 304, General Laws, passed at the Regular Session

of the Forty-second Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties; providing means and method of taking and possessing fish from fresh water streams of said counties; defining offenses and prescribing the penalty for violation thereof; and omitting Bell County from the list of said counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

SIXTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
April 26, 1933.

The Senate met at 2:30 o'clock p. m., pursuant to adjournment, and was called to order by Senator Woodruff.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Fellbaum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Senators Excused.

Senator Beck was excused for the remainder of the week on account

of illness, on motion of Senator Redditt.

Senator Fellbaum was excused for the day on account of important business, on motion of Senator Stone.

S. C. R. No. 45.

Senator Purl sent up the following resolution:

Concurrent resolution authorizing the Comptroller to pay fee claims against appropriation for felony cases.

Whereas, S. B. No. 85, Acts of the Regular Session of the Forty-third Legislature, provides that sheriffs and constables for serving process and attending the examination in any felony case shall be entitled to such fees as are fixed by law for similar services in misdemeanor cases in county court to be paid by the State, and mileage actually and necessarily traveled in going to the place of arrest and for conveying the prisoner or prisoners as provided in Articles 1029 and 1030, C. C. P., and

Whereas, The law has heretofore only allowed the sheriffs and constables mileage fee for serving process after indictment and no mileage fee has been allowed for sheriffs and constables in examining trial cases, and

Whereas, The Forty-second Legislature, made specific appropriation for the fiscal year ending August 31, 1933, and the Forty-third Legislature made specific appropriation for the fiscal years ending August 31, 1934 and August 31, 1935, respectively, for the payment of fees and costs of sheriffs, attorneys, and clerks, felony cases, but did not make appropriation for the payment of mileage fees accruing to sheriffs and constables in examining trial cases. Now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Comptroller be and he is hereby authorized, when the appropriation for fees of county attorneys, justices of peace, sheriffs and constables in examining trials, where indictments are returned is exhausted to draw his warrant in payment of such fee claims against the appropriation for fees and costs of sheriffs, attorneys and clerks in